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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,702	11/18/2003	Mark Magda	0237.036	5405
23405	7590	11/02/2006	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI PC			PRICE, CRAIG JAMES	
5 COLUMBIA CIRCLE			ART UNIT	
ALBANY, NY 12203			PAPER NUMBER	

3753

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/715,702

Applicant(s)

MAGDA, MARK

Examiner

Craig Price

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11,13-16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11,13-16 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 July 2006 has been entered.

### ***Claim objection***

2. Claim 6, line 2, the word "are" was added in the latest amendment but not underlined.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1 – 4, 6-11, 13 –16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Folmsbee (2,599,622).

Regarding claims 1,8 and 15, Folmsbee discloses a check valve, the check valve comprises of a body (B) configured to permit fluid to flow therethrough the body, and includes a flange (2) extending circumferentially around an inner periphery of the body, the flange having an inner surface defining a valve aperture (inside diameter of 2), and a poppet valve (26) moveably mounted within the valve aperture, the poppet valve including a longitudinal axis, a head (40), a continuous annular ring (24) and a plurality of guide legs (30) between the head and the continuous annular ring, the plurality of guide legs extending from the head and through the valve aperture, each of the plurality of guide legs including an outer peripheral surface facing the inner surface of the flange, the outer peripheral surface including a radial first section (the intersecting point, opposite the legs indicated as 30 near the valve seat 4, intersecting with 34 and originating from the lower recessed portion of the legs), a radial second section (the area recessed back from the outside diameter of 30),and a radial second section, wherein the radial second section is recessed back from the radial first section and the radial third section (the section indicated as 30),in relation to the inner surface of the flange, wherein the radial first section and the radial third section are at the same radial distance from the longitudinal axis, as shown in figure 1.

Regarding claims 2 and 9, Folmsbee depicts the radial second section of the outer peripheral surface is spaced at a greater distance along the longitudinal axis away

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from the head than the radial first section of the outer peripheral surface, as seen in Figure 1.

Regarding claims 3 and 10, Folmsbee shows outer edges of the radial first, radial second, and radial third sections of the outer peripheral surfaces are rounded, as seen in Figure 1.

Regarding claims 4 and 11, Folmsbee depicts the radial second section of the outer peripheral surface forms a flow path with the inner surface of the flange to permit debris to pass between the radial second section and the inner surface of the flange while the valve is in an open position, as shown in Figure 1.

Regarding claims 6 and 13, Folmsbee shows the radial first section and radial third section are in close proximity to the inner surface of the flange to aid in guiding the poppet valve in the valve aperture during operation, as seen in Figure 1.

Regarding claims 7 and 14, Folmsbee depicts the radial first section includes a diameter formed on an arc of a circle having a diameter slightly less than a diameter of the valve aperture, as shown in Figure 1.

Regarding claim 16, Folmsbee shows the flow path is defined longitudinally along the guide legs at a distance from the head of the poppet valve, as seen in Figure 1.

Regarding claim 19, Folmsbee depicts that the radial outer peripheral surface includes a second recessed section, wherein the second recessed section is at the first radial distance from the longitudinal axis, as seen in Figure 1.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-4,6-11,12-16 and 19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gerdes (3,974,936) and Pacht (4,716,924) disclose similar valves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 7AM - 5:30PM M-R. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CP



30 October 2006



ERIC KEASEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700